

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JOHN GRIFFIN HEADRICK,  
Plaintiff,

v.

RICHARD MORGAN,  
Defendant.

Case No. C05-5227RBL

ORDER

THIS MATTER comes on before the above-entitled Court sua sponte. On November 10, 2005 this Court entered an Order Adopting the Magistrate Judge's Report and Recommendation. [Dkt. #20]. In that Order, the Court directed that the petition filed pursuant to 28 U.S.C. §2254 be transferred to the United States Court of Appeals for the Ninth Circuit as a second or successive petition and that the case be administratively closed. Due to clerical error, the petition was not transferred to the Ninth Circuit nor was the case administratively closed. Therefore, it is hereby **ORDERED**:<sup>1</sup>

- (1) The petition is **TRANSFERRED TO THE NINTH CIRCUIT AS A SECOND OR SUCCESSIVE PETITION.**
- (2) The clerk is directed to send copies of this Order to Petitioner, counsel for respondent and to the Hon. J. Kelley Arnold **AND TO ADMINISTRATIVELY CLOSE THIS FILE.**

Dated this 3<sup>rd</sup> day of March, 2008.

  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE

<sup>1</sup>The fact that petitioner is no longer in custody does not render this petition moot. *See Chaker v. Crogan*, 428 F.3d 1215, 1219 (9<sup>th</sup> Cir. 2005); *Chacon v. Wood*, 36 F.3d 1459, 1462 (9<sup>th</sup> Cir. 1994).